



**DEPARTMENT OF THE ARMY
COMPANY C, 123D AVIATION (AVIM)
BLDG # 2079 MONTGOMERY ROAD
FORT WAINWRIGHT AK 99703-8300**

APVR-WAB-AV-CO

24 March 2006

MEMORANDUM FOR Soldiers Assigned/Attached to Company C, 123d Aviation (AVIM)

SUBJECT: Policy Letter #10 (Equal Opportunity and Sexual Harassment Complaint Procedures)

1. Commanders must ensure equal opportunity/sexual harassment complain procedures are disseminated down to every soldier within the command and to all new soldiers upon arrival, as required by Army regulation 600-20.

2. There are two types of equal opportunity/sexual harassment complaints:

a. Informal: An informal complaint is a complaint that a soldier or family member does not wish to file in writing. An informal complaint is an attempt to solve the problem at the lowest possible level, without necessarily involving the commander. The individual, another unit member, or a person in the complainant's chain of command may resolve this type of complaint.

b. Formal: A soldier or family member files a formal complaint by submitting a sworn statement on a DA Form 7279-R (Equal Opportunity Form). An officer will be appointed to investigate the complaint.

(1) Complainants have 60 calendar days from the date of the alleged incident in which to file a formal complaint. Commanders will determine if complaints filed after 60 days warrant full investigation.

(2) The complainant will receive feedback from the Commander on a DA Form 7279-R, Part II and III, within 14 calendar days.

3. I strongly encourage processing equal opportunity/sexual harassment complaints through the chain of command; however, it should not serve as the only channel available to the soldier and family members. A number of alternate agencies exist through which issues may be resolved. The chain of command is the preferred method for handling a complaint, but it is not the only channel available for remedying EO/sexual harassment complaints. Battalion EO Representatives, Inspectors General, Chaplains, Staff Judge Advocates, Provost Marshals, Equal Opportunity Advisors, and the USARAK hotline are available to all personnel who feel uncomfortable filing a complaint with the chain of command. Commanders will not prevent soldiers from using these channels in accordance with the procedures established by these agencies.

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4. The commander may deem it necessary to ask the next senior commander in the chain of command to appoint an investigating officer. All soldiers in this battalion will act in a professional manner both during and following the conduct of the investigation. EOAs will ensure the focus of the investigation is placed squarely on assessing the validity of the allegations and ensure the investigation does not shift against the complainant. Victim focus will be avoided and will not be tolerated.
5. Appeals Process: Should the complaint be found to be unresolved in the mind of the complainant, he/she has the right to appeal to the next higher commander within the chain of command. The complainant must appeal in writing within 7 calendar days. This commander will provide written feedback, consistent with Privacy Act and FOIA limitations to the complainant on the results of the appeal.
6. Protection against reprisal: Department of the Army personnel are prohibited from taking any action that discourages any soldier, or family member from filing a complaint or seeking assistance when resolving Equal Opportunity/Sexual Harassment matters. Personnel are also prohibited from taking disciplinary or adverse action against a soldier for filing a complaint, seeking assistance, or cooperating with an investigating officer. Commanders will implement a plan to protect the complainant, any named witnesses, and the alleged perpetrator (or subject) from acts of reprisal. Commanders will take appropriate action for those who violate Army policy as necessary, while ensuring no acts or threats of reprisal are imposed on an individual who may file a complaint.
7. False complaints: Soldiers who knowingly file a false complaint (a complaint containing information or allegations that the complainant knew to be false) may be punished under the Uniform Code of military Justice.
8. I expect commanders' support of a thorough, expeditious, and unbiased investigation and good faith in attempting to resolve the complaint. Additionally, commanders will take corrective action to preclude recurrence of the discrimination or sexual harassing conduct and address any management deficiencies or other contributing factors that caused the allegations to be raised.
9. Anyone needing assistance in filing an equal opportunity/sexual harassment complaint should contact the Battalion or Company EO representatives.
10. The point of contact for this memorandum is the undersigned at 353-1276.

JAMES E. TULLY
CPT, AV
Commanding